UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/161
12 March 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 17 of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Joint written statement*/ submitted by the International Federation of Human Rights Leagues and the World Organization against Torture, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 8 6 2 *

ENG

A. The appointment of the Special Representative on Human Rights Defenders

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT) wishes to express its satisfaction with the creation of a new special procedure on human rights defenders (HRDs), by the 56th session of the Human Rights Commission.

The developments leading to the appointment of the Special Representative on HRDs have been numerous and go back to several years, from the preparation of the Declaration on HRDs adopted by the General Assembly of the United Nations on December 9, 1998, to the adoption of the resolution 2000/61 by the Commission on Human Rights requesting " the Secretary General to appoint, for a period of three years, a Special Representative who shall report on the situation of HRDs in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration ".

In this context, the magnitude of human rights NGOs' campaigns in favour of the creation of this mechanism has to be emphasised. Their mobilisation has been proportional to the repression suffered by HRDs and consequently great hopes have been sparked, which, now, cannot be deceived.

The Observatory considers that as the Special Representative is now the focal point throughout the United Nations for support to HRDs and the co-ordinator of all related mechanisms and programmes, she should benefit from strong staff support. Unfortunately, the mandate is currently understaffed. Ways and means to reinforce the Special Representative's support, including the possibility of voluntary contributions, should be explored as soon as possible. Contacts with some governments who voted in favour of the resolution which created the mandate, including from the South could be reactivated with this aim.

In the light of all the information received on a daily basis over the past years, the Observatory is in a position to affirm the importance of the effectiveness of the newly created mechanism. As the repression of the action of HRDs and the violations of their rights have not diminished in quality or sophistication since the adoption, in December 9, 1998 of the Declaration on HRDs, the new special representative of the Secretary General on HRDs will have an enormous task to accomplish.

B. Typology of violations of the rights of HRDs

The violations of the rights of HRDs touch on all types of rights, and cover a large panel of repressive methods.

We tried, within the Observatory, to develop such a typology in function of violations perpetrated against HRDs, on the basis of a distinction between individual and collective violations :

1. Violations of the individual rights of HRD

a. Extra-judicial violations

- **Violation of the right to life** (art.3/Universal Declaration of Human Rights-UDHR), (art. 1 of the Declaration on HRDs-DHRD) : summary executions, murders, enforced disappearances, assassination attempts, death threats - **Violation of the right to physical or psychological integrity** (art.5/UDHR), (art.1/DHRD) : Torture/ill treatment, threats - Extra-judicial arrest, detention (art.9/UDHR), (art.1/DHRD) - **Violation of privacy** (art.12/UDHR), (art.1/DHRD) : Harassment, smear campaigns, close surveillance, shadowing, phone taping, illegal searches,

confiscation of mail. - **Restriction of freedom of expression** (art.19/UDHR), (art.1, 6.b and 6.c/DHRD) : confiscation of reports on human rights violations, censorship, pressures - **Restriction of freedom of circulation** (art.3/UDHR), (art.1/DHRD) : withdrawal of passports, interdiction to leave the country or to circulate inside the country - **Violation of the right to work** (art.23/UDHR) (art.1 and 11 /DHRD) : dismissal from work, obstacles in finding a new job.

b. Violations within judicial proceedings

- **Arrest/ detention** : (art.9/ UDHR), (art.1/DHRD) - **Violation of the right to a fair trial** (art.10/UDHR), (art.1/DHRD) : Prison, fine - Judicial persecution: (art.1/DHRD) - **Restriction of freedom of expression** : (art.19/UDHR), (art.1/DHRD, art.6b) - **Restriction of freedom of circulation** : (art.3/UDHR), (art.1/DHRD) - **Violation of the right to work** : (art.23/ UDHR), (art.1, 11/DHRD) - **Instrumentalisation of the legislation as a tool against an HRD** (art. 3 /DHRD) : use of a non-conform legislation with international standards ; misuse of " national security law "

2. Violations of the rights of groups with a human rights activity

- **Violation of the right to form, join and participate in HR-NGOs** (art. 5.b / DHRD): Difficulty to register/ de-registration, Closure of an NGO - **Violation of the right to meet or assemble peacefully** : (art.5.a/DHRD) - **Violation of the right to communicate with NGOs and IGOs** (art.5.a, 9.4 /DHRD) - **Violation of the right to provide judicial support** (art.9.3.c /DHRD) - **Violation of the right to attend public hearings and trials** (art.9.4/DHRD) - **Violation of the right to receive funding** (art.13 /DHRD) - **Violation of the right to seek, hold and disseminate information** (art.6.a/DHRD) : NGO attack, material confiscation - **Violation of the right to study, discuss, form and hold opinion on the observance of all human rights and to draw public attention on those matters** (art. 6.c/DHRD) - **Instrumentalisation of the legislation as a tool against an HRD** (art. 3 /DHRD) : use of a non- conform legislation with international standards ; misuse of " national security law "

One conclusion to be drawn is that some widespread types of violations, i.e. violations of freedom of association (with the exception of trade-union freedoms), freedoms of movement and communication, are not covered by existing international mechanisms. These violations could be dealt with as a matter of priority by the Special Representative.

C. Regional approach

These violations touch upon all the countries of the world. However, trends have emerged regarding the types of repression on the regional level. In order to better identify them, the Special Representative might be interested in focusing on this approach in its future reports.

As an example and according to information received by the Observatory, the following characteristics have emerged :

In South America, HRDs are in a situation of risk, which endangers their physical and psychological integrity. In Colombia, since 1990, human rights defenders have been the victims of summary executions, forced disappearances, sequestration, death threats, assassination attempts, arbitrary detention and violations of the rights to a fair trial. In Guatemala, several human rights defenders were assassinated during year 2000, some others were subjected to grave acts of harassment and threats. In Brasil, defenders of landless peasants are the main victims of threats or arbitrary judicial procedures.

In other States, the attempt to stop human rights work resorts to more sophisticated methods. In Tunisia, HRDs are the victims of continuous harassment: systematic police surveillance, telephone tapping, withdrawal of or failure to issue passports, legal actions against them, smear campaigns are used by the authorities to impede their human rights activities. The activities of the Tunisan League for Human Rights were suspended in November 2000 and the National Council of Liberties in Tunisia has still not been registered. New laws on association can also be used as a tool against HRDs, as it is the case for instance in Egypt, where a new law project, very restrictive in matter of freedom of association, is being prepared.

In Iran, HRDs are targeted by the conservative branch. Those carrying out investigations for political murders are persecuted, and so are the lawyers of the families of the victims. Chirin Ebadi, lawyer and Pesident of a child rights association was arrested and then sentenced 15 months of prison and 5 years of suspension of her civil rights, including practising as a lawyer. For having participated in a conference in Berlin on the Iranian elections, in April 2000, a number of HRD's, including Akbar Gandji, investigation journalist, were condemned to severe sentences of imprisonment.

In the Democratic Republic of Congo, HRD's are often considered as enemies or spies, and continue to be the target of the authorities of the RDC and those in charge of the Congolese Rally for Democracy : arbitrary arrests, defamation campaigns, threats. The organisations must confront a new danger. Indeed, their structures are being infiltrated by persons linked to the authorities who seek to take control of these structures. The defenders find themselves in high risk situations daily : Dismas Kitenge of Groupe Lotus (Kisangani) is the object of constant pressure ; ASADHO is the object of a campaign of denigration and its offices are sealed ; Jeanine Mukanirwa Tshipambu, vice-President of the PAIF (North Kivu), arrested on 12 December 2000 in Kinshasa, released and arrested again on 26 January, is still in detention ; on 5 February, Golden Misabiko, President of Asadho-Katanga was arrested and is reportedly still in detention.

In Europe, the situations in Turkey or in Kyrgyzstan are very illustrative of the instrumentalization of justice in the repression of HRDs. In Turkey, many judicial cases have been opened against HRDs, who express themselves in favor of the rights of minorities or of a peaceful solution to the conflict in the South-East region. In Kyrgyzstan, the members of the Kyrgyz Committee for Human Rights and others are harassed and prosecuted for denouncing human rights violations, in particular during elections periods.

In Asia, trade unionists remain a preferred target, for example in South Korea. The defenders who work in conflict zones, such as Aceh in Indonesia, live under constant threat (extra judicial killings, aggression, torture). The diffusion of information regarding human rights violations are also high risk activities in Asia. In November, T. Puroshottam, Joint Secretary of the Civil Liberties Committee (India) was assassinated by a group of non-identified persons. He had apparently persistently received threatening phone calls because he had been involved in numerous investigations into alleged human rights violations by police officers (including torture and extra-judicial killings).

The Observatory is, therefore, committed to support the work of the Special representative on HRDs as it strongly believes that the effective functioning of her mandate and the thorough study of the different types and regional trends of the violations of the rights of HRD will draw international attention to the issue and will reinforce the respect of the DHRD in all countries of the world.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/162
12 March 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement*/ submitted by Fraternité Notre Dame, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 March 2001]

---

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE. *200 0 786*

ENG

One of the objectives of the UN is the respect of human rights. Fraternite Notre Dame, working on the different continents at the service of the most destitute, with no distinction of class, race, sex or creed, has witnessed, just as other groups did, that these rights are being violated in some countries suffering from extreme poverty, but what is unthinkable in the 21st century, these rights are even being violated in our European countries, said to be free, civilized and respectful of human rights.

In the writings our rulers refer to, our Constitution, freedom of conscience is assured. France counts in her constitution intangible rights. She guarantees free exercise of worship under the only restrictions dictated in the interest of public order. The law of separation between Church and State guarantees freedom of conscience. Democracy, as is taught to children in school books, is a political system but also a moral code: one explains to pupils that it is the system that best protects diversity, that best succeeds in having people from different origins, opinions, convictions and tastes, live together under common laws. Truly, this is what is being taught to our pupils from the 21st century, and this is what they believe, since they are asked to do so.

Now, what can be seen in France, what do we experience in France?

A fanatic and strenuous war against spiritual minorities, against educational trends that do not comply with the main trend of thinking imposed. Then, would what we teach to our dear children be lies? Would democracy no longer be what it used to? What happened to enriching diversity?

Fraternite Notre Dame, after the example of other minorities, had to undergo a process of intimidation, misinformation, slander, pressure and blackmailing. Certain Catholics adopt a narrowness of mind, a sectarianism towards all other forms of convictions or expression different from their own, to the point of exerting pressure and implementing religious persecution; both are unworthy of Christian brothers, in a European democracy, on a land, France, "called the eldest daughter of the Church".

Under the cover of the discriminatory anti-sect label, political and religious forces, united by a common sectarian thinking, exert pressure upon minorities such as ours, preventing the proper functioning of our social and humanitarian activities. Examples to be cited would be too numerous.

The absence of freedom of expression is a sign of authoritarian regimes. The media channels in France, in a series called "Hunting Sects in France", follow one another in rapid succession and make headlines on television news and the press, with public denunciations, limiting freedom of expression or convictions. What happened to the time when religious freedom in France was not jeopardized? When educational trends that acknowledged the spiritual dimension of the child were able to express themselves, because school teaching in the Republic would guarantee freedom of thinking and expression?

Fraternite Notre Dame estimates that each individual may have a different way of thinking and yet be free to express it, and she was able to assess that in the various countries where she opened missions with humanitarian aims, churches interfered before governments to safeguard their privileges and make sure that minorities would be silenced.

Fraternite Notre Dame observed behaviors showing religious discrimination in certain African countries, where the installation of bishops and priests in their countries of origin was not favored. Such behaviors do not allow the expression of Faith to thrive, but maintains a form of moral tutorship, instead of promoting the cultural identity of these countries. There is no reason not to accept religious minorities, as long as they do not imperil the country, or prejudice the freedom of individuals.

Diversity and differences, which our schoolbooks refer to in the 21st century for our young French pupils, should enrich us instead of creating further divisions.

If respect for others in their differences is taken for granted in human rights, we testify here – and we thank you to be able to do so – that it is not implemented towards minorities in our European countries.

What we do not explain to children in schoolbooks is that major groups impose the monopoly of a particular viewpoint while censuring others, granting themselves the right to control everything, under the pretext that they are the majority in numbers. Number is not what makes up the quality of a particular group. The Democratic State is supposed to protect the weak against the power of the strong.

In its orphanages (Haiti, Niger), its hospitals (Mongolia), its schools, soup kitchens for the homeless in Chicago, New York, Paris; or in Martinique, El Salvador, etc., Fraternite Notre Dame makes it her duty to consider each human being with a same respect and a same state of mind.

Fraternite Notre Dame works in various countries, serving the miserable, street children, patients afflicted with AIDS, orphans, prisoners, the handicapped, the starving. The state of mind, in which prevail peace, charity, tolerance and respect, and which is in keeping with the Declaration of Human Rights, is transmitted by Fraternite Notre Dame's Founder to its religious missionaries and lay volunteers.

In this the 3rd millennium, Fraternite Notre Dame expresses a wish to see in Europe respect for Human Rights turn effective in the actions performed, and not only in words, so that peace, unity and tolerance may prevail within her.

NATIONS

E

Economic and Social Council

Distr.
GENERAL
E/CN.4/2001/NGO/163
12 March 2001

Original: ENGLISH AND FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 5 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 * 7 9 0 *

ENG

Violation of the right to self-determination of the Sahraoui people in Western Sahara

With great concern the Society for Threatened Peoples has observed the continuing standstill of efforts to reinstate the UN peace plan for Western Sahara. We share the concerns of the UN's Secretary-General, Kofi Annan, who on several occasions in recent months has expressed his profound disappointment at the lack of satisfactory progress made in implementing the UN peace plan and has called for substantial new proposals from Morocco aimed at resolving the issues which are still outstanding. Full implementation of the UN peace plan offers the only guarantee of a lasting, just and peaceful solution to the conflict in Western Sahara. In spite of the renewal of negotiations between Morocco and the Polisario Front no further progress has been achieved during the past year in preparing for the referendum on self-determination planned since 1991. By constantly raising new objections Morocco has sought to impede all efforts to organise the referendum. The dispute over electoral lists has shown the extent to which Morocco is unwilling to respect the Sahraoui people's right to self-determination. Through its irregular inclusion of tens of thousands of Moroccans in the electoral rolls and its deliberate encouragement of Moroccan immigration, Morocco is seeking to undermine the Sahraoui people's right to self-determination.

Unless Morocco abandons its policy of economic blockade, the collapse of the UN peace plan and a renewed outbreak of conflict between the Moroccan Army and the Polisario Front is likely. The international community should not be prepared to accept an escalation of violence in the Western Sahara without taking action. The Society for Threatened Peoples is appealing to the UN Human Rights Commission to urge the UN Security Council not to withdraw from conflict mediation in Western Sahara and to insist on implementation of the UN peace plan. The conclusive failure of the UN peace plan would not merely damage the reputation of the United Nations, it would constitute a serious reversal for the principle, enshrined in international law, of the right to self-determination.

The UN Commission on Human Rights should recommend to the UN Security Council that it instruct the United Nations Mission for the Referendum in Western Sahara (MINURSO) to proceed with concrete preparations for holding the referendum if Morocco does not abandon its policy of economic blockade. MINURSO should accordingly be given immediate instructions to complete arrangements for appeals by people excluded from the electoral register for the referendum as rapidly as possible. To that end additional qualified staff should be placed at MINURSO's disposal.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/164
12 March 2001

Original: ENGLISH AND
SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and Spanish from the submitting non-governmental organization(s).

GE. *200-0782*

ENG

Racial Discrimination

Society for Threatened Peoples would like to draw the attention of the honourable United Nations Commission on Human Rights to the situation of Aborigine peoples in Australia. For several years now, the Australian government of John Howard has come under fire for its attitude towards Australia's 430,000 Aborigines. They are the country's most disadvantaged group, who approximately make up 2.6 percent of the 19 million population.

Even United Nations expert treaty committees, CERD, HRC and CESCR, have all concluded that Australia continues to perpetrate human rights violations against its Aboriginal peoples particularly in reference to the mandatory sentence laws in the states of Northern Territory and Western Australia. Under these laws, repeat property offenders are jailed automatically, including juveniles. Most of them are Aborigines.

The second major point has been the Native Title Amendments on land law in Australia. Australia is the only country in the world with a Constitution which permits racially discriminatory laws. Additional to these land laws, all figures on social infrastructure and wealth (education, health care, income rates, unemployment, life expectations etc.) show a continuing and significant disparity between Aborigines and non-Aborigines.

Society for Threatened Peoples believes that there is a deep and systemic problem in the treatment of Aboriginal and Torres Strait Islander peoples which requires a concerted approach by international bodies like the United Nations Committee on Human Rights (UNHRC) in order to garantee their survival as distinct peoples. Therefore, we urge UNHRC to push Australia's government for a fundamental change in its policy on Aborigine peoples, i.e. to particularly withdraw the Native Title Act Amendment and to abolish the mandatory sentencing laws. In addition to that Society for Threatened Peoples asks UNHRC to request the European Union to review and appropriate its relationship with Australia according to the human rights standard and in the spirit of its resolution on indigenous peoples of 1998.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/165
12 March 2001

Original: ENGLISH AND
SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

---

*/ This written statement is issued, unedited, as received in English and Spanish from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - - 7 2 2 *

ENG

Society for Threatened Peoples is deeply concerned to know the latest development with respect to indigenous peoples in Colombia; particularly those living in the Southern Zone and the U'wa people, those living close to the border with Venezuela. The latter ones have already been threatened for several years by oil exploration, while the Southern peoples recently are starting to suffer the immediate impacts of the so called Plan Colombia. Fumigation of drug plants from aircrafts, the expected contamination of vast areas caused by oil exploitation and the general increase of violence – imposed by state security forces, death squads and guerrilla movements – are only the most obvious of the destructive consequences of development programs and projects which still follow the classic concepts of modern economic growth and building of a nationstate. Not only do these undermine any self determination of indigenous peoples in chosing the relevant development criteria themselves, but the imposed projects are not even compatible with the regions and its non-indigenous population in general.

Incongruent to what is known about these projects at scientific level, also neither on political nor on economical level, the specific development of indigenous peoples is accordingly recognised or even garanteed; although Colombia did ratify ILO Convention 169 and is obliged to further protect indigenous peoples' rights. The maintainance of their livelihood in accordance with their traditional rules is paramount for their survival as distinct people. In addition, indigenous peoples in Colombia have shown - in the past and today as well - their capacity to sustain themselves socially, environmentally, culturally, an politically, as well as economically and technologically.

Therefore, speaking on these development issues with respect to indigenous peoples in Colombia, an urgent need exists to coordinate political and econimical operations in order to garantee that a minimal level condition exists for survival. These conditions in part are alreday established as norms forming an integral part of international law and human rights. The United Nations Commission on Human Rights is one of the main trustees of these rights. With respect to the right of development, we request the Commission to urge the Colombian government
a) to abolish its disastrous Plan Colombia, and
b) to hold a moratorium on oil drilling at the area of U'wa people

The Commission on Human Rights also is asked to make its own survey on the impacts of Plan Colombia on indigenous peoples in the South of Colombia.

The residential conditions imposed on asylum-seekers and refugees granted permission to stay in Germany are in violation of the human right to freedom of movement

Asylum-seekers in Germany are not allowed to travel freely outside the jurisdiction of the foreign nationals authority responsible for the area in which they are living. As a general rule refugees granted permission to stay and war refugees are required to stay within the Federal *Länd* in which they are living. They are only allowed to travel outside their specified area of residence for purposes of attending appointments with official authorities or to attend court, and then only if they are required to appear in person. In order to attend appointments with authorised representatives of the United Nations High Commissioner for Refugees and organisations working with refugees, the refugee is issued with a special permit, as provided for in law. Other special permits - for instance authorisation to visit relatives - may be granted at the discretion of the relevant foreign nationals authority.

In this regard the Society for Threatened Peoples notes that such compulsory residential requirements for refugees are in violation of the human right to freedom of movement (Art. 13 of the Universal Declaration of Human Rights). The people concerned are frequently refused permission to visit sick relatives or faced with bureaucratic hurdles to overcome that make it very difficult to obtain a travel permit. The Society for Threatened Peoples has been informed of the case of a young Bosnian war refugee who was only allowed to visit his father, suffering from a life-threatening condition, after he provided his local foreign nationals authority with a certificate confirming his father's condition.

Such travel restrictions are particularly burdensome for refugees who have suffered traumatic experiences before and during their flight. Their opportunities for communicating with other people are very limited since they are often not allowed to visit family members and friends. If they apply for a travel permit they are required to disclose the personal reasons for making the journey. This they regard as an invasion of their privacy. They feel they are being kept under watch. As a result many people are reluctant to apply for a travel permit. Most of the people concerned have no employment and are liable to suffer from isolation and loneliness

Members of ethnic minorities whose families have been torn apart in the circumstances of their flight from war and persecution and for whom the moral support offered by the extended family is of particular importance because of their cultural background find the constraints imposed by their conditions of residence particularly hard to bear. The Kosovo Roma are a caqse in point. Following the end of the war in Kosovo approximately 120,000 Roma were driven out by extremist Albanians, thousands of them fleeing to Germany. Only immediate family members are accommodated together and no provision is made for larger family groups. Many have relatives already living in Germany as refugees, some of them long-term residents. Every time they want to attend a family reunion they encounter problems. The refugees are dependent on the goodwill of the individual foreign nationals authority to which they have been assigned. Permission to travel for personal reasons is frequently refused.

For a refugee failure to observe the conditions of residence is an offence punishable in law by a very large fine, with repeat offences punishable by a prison term of up to one year. Use of a permit beyond its period of validity may result in the entitlement to food coupons being withdrawn. Criminalisation of the failure to comply with a legal requirement that is in violation of the human right to freedom of movement places those affected under quite

unjustifiable pressure. In a number of instances the consequences of this have been extremely serious. In October 2000 the African Refugees Association in Hamburg reported that refugees who had jumped from a window fearing an imminent visit from the police had suffered very grave injuries. They had travelled outside the jurisdiction of their foreign nationals authority without permission. Another refugee who had left his official area of residence without a permit drowned when he fell into the water off a houseboat while attempting to escape the imminent arrival of local police calling to check his situation

The Society for Threatened Peoples is asking the Commission on Human Rights to make the reisdential conditions imposed on asylum-seekers and refugees with permission to stay in Germany a topic for discussion in the context of the Universal Declaration on Human Rights, and in particular the right to the freedom of movement.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/167
12 March 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11(a) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200104188*

ENG

1. The People's Republic of China is party to several UN human rights instruments and standards all of which adhere to provide the fullest form of protection to detainees, including those held for their political or religious beliefs. China is now even a signatory of the UN Convention on Civil and Political Rights. In November, 2000, Beijing also signed a Memorandum of Understanding with the Office of UN High Commissioner for Human Rights.

2. The steps taken by China to bring its human rights behaviour closer to international norms and standards on human rights and fundamental freedomsis always a welcome sing. However, when applauding Beijing for taking these steps, the international community must not ignore the ground realities as far as promotion and protection of human rights, particularly the protection of detainees from persecution, including that of torture, summary execution and solitary confinement.

3. In Tibet, for example, each year Tibetan political prisoners die in custody. The mysterious deaths of five Tibetan nuns following the May 1998 Drapchi Prison Protests is but one example. The recent death in custody of 60-year-old Sholpa Dawa, a prominent Tibetan political prisoner, on 19 November 2000, at a hospital outside Drapchi Prison is another. His body was not even handed over to his family members to perform the last rites. He had been arrested three times. The third time for collecting names of political prisoners and communicating these to the outside world.

4. On 9 May, 2000, the Committee Against Torture, in its concluding observation on China's Third Periodic Report, expressed concern "about the continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities."

5. We welcome that the Chinese authorities finally permitted Mrs. Sonam Dekyi who lives in India to visit her imprisoned son Ngawang Choephel. Ngawang Choephel was secretly sentenced to 18 years on the charges of "espionage." His case has been repeatedly raised at the Commission on Human Rights.

6. In this written submission, we include a statement issued on 19 August, 2000 in New Delhi, India by Mrs. Sonam Dekyi following her meeting with her son: "I was filled with mixed emotions when I received permission from the Chinese Embassy in New Delhi to travel into Tibet to visit my son, Ngawang Choephel, who is serving 18 years prison sentence in Tibet. ....When I saw my son in a huge prison complex near Chengdu Railway Station, I could not even recognise him. In front of me, separated by two counters and two layers of wire-netting, stood this frail body with mere skin and bones. Tears rolled down incessantly from my eyes and I asked him if he was indeed my son. All he could say in response was, "please don't cry." I immediately recognised my son's voice. There were three prison guards with him, one at the back and two beside him. When I inquired after his health, he held his chest and told me that he had constant pain in the chest. With his forehead down on the counter, he broke down in front of me. We all cried for a long time until we were told that the visit would be terminated if we did not stop crying. I was desperate to have physical contact with him and so I requested if I could touch his forehead and hold his hands. I could hear my son requesting for the same. But our pleadings fell on deaf ear.

My son told me that he had written numerous appeals for medical treatment and also to be allowed to see his mother but was not able to submit them. He was told he has no illness and that he was just pretending. Frustrated with the indifference, he went on a hunger strike.....I am 66 years old and my only child is serving 18 years prison sentence since 1995. My son is suffering from a serious physical and mental trauma in prison. His health is deteriorating day by day and if he does not receive timely and adequate medical treatment, he may not survive. I make an urgent appeal to the international community and in particular to the Chinese government to hand over my only son to me for medical treatment."

7. In conclusion, we urge all the members of the Commission on Human Rights to seriously review its approach on the human rights situation in China and Tibet. In order to maintain its credibility, the Commission on Human Rights, is urged to adopt a resolution on China which calls for the release of all political prisoners held by Beijing.

Violation of religious freedom in the People's Republic of China

The Society for Threatened Peoples is particularly concerned at the escalation of the repression directed against the Falun Gong meditation movement. Since March 2000 over 100 members of this group have died as a result of violent treatment meted out to them in police stations and detention centres by the security forces. To date approximately 450 Falun Gong members have been sentenced to prison terms of up to 18 years and 10,000 believers have been sent to labour work camps. In compulsorily committing 600 of the movement's followers to psychiatric institutions the authorities are violating universally recognised basic human rights. This practise is an appalling reminder of the way in which psychiatric institutions were abused in the former Soviet Union. Following a day-long trial that took place in secret in November 2000, the 37-year-old US citizen Teng Chunyan was found guilty of espionage for having dared to organise a meeting between foreign journalists and Falun Gong members who had been forcibly committed to a psychiatric institution. The Falun Gong members were held against their will in a psychiatric facility for over a month in order to prevent them from taking part in demonstrations. China should be called upon to end its repression of the Falun Gong immediately and release all members of the faith community being held in custody.

In Tibet too religious persecution has intensified over the past year, against the background of the campaign on re-education and atheism. In August 2000 the authorities issued new regulations prohibiting visits to Buddhist monasteries by the children of government employees and civil servants. The number of house searches and seizures of pictures of the Tibetans' spiritual leader, the Dalai Lama, has also increased. 500 nuns and monks continue to be held in detention and since 1996 at least 12,000 nuns and monks have been forced to leave their monasteries and convents. We are particularly anxious about the fate of the nun Ngawang Sangdrol. She was arrested for the first time at the age of 13 and is currently serving an 18-year prison term in Drapchi prison. When she was nominated in November 2000 as a candidate for the European Parliament's Sakharov Prize, China protested vigorously. As regards the Panchen Lama, the international community is still awaiting reliable proof that the religious dignitary, who is presumed to have been abducted by the Chinese security forces, is still alive. In autumn 2000 China did in fact show British diplomats alleged photographs of the boy and it was claimed that he is alive, unharmed, and at liberty. In order to confirm this we are asking the UN Commission on Human Rights to call on China to allow a Delegation from the UN Committee for the Rights of the Child to visit the Panchen Lama and his family. China should also be asked to put an immediate end to the re-education of nuns and monks, their expulsion from convents and monasteries and the seizure of pictures of the Dalai Lama. China should be encouraged to enter into a purposeful dialogue with the Dalai Lama aimed at achieving a just solution to the issue of Tibet.

Repression is also continuing in Xinjiang. Since April 1996 over 280 death sentences on Muslim Uigurs have been imposed and carried out. Mosques and Koranic schools have been closed and believers arbitrarily arrested. "Confessions" have been extracted under torture and lengthy prison and death sentences handed down. Following protests against the arbitrary detention of Muslim Uigurs in the town of Yining, since February 1997 at least 54 Uigurs have been sentenced to death and 90 others given lengthy prison sentences for taking part in demonstrations. Anyone in Xinjiang professing a belief in Islam is automatically suspected of being a separatist and subjected to harsh and systematic persecution by the security

authorities. All attempts to practice the Muslim faith are subject to severe restrictions. China should be called upon to cease all executions of Muslim believers forthwith.

Nor has the position of Christians in China improved. On 14 September 2000 Bishop Zheng Jingmu was arrested in the province of Jiangxi. The bishop had been under house arrest for two years. Shortly beforehand, on 26 August, the suffragan bishop of the underground Catholic Church in the province of Hebei, Jiang Ming Yuan, was arrested. During 2000 over 200 members of Protestant house churches in various provinces were arrested for their beliefs. In the past year at least 1,200 Catholic and Protestant churches and Taoist and Buddhist temples in the province of Zhejiang have been destroyed on the orders of the authorities, allegedly because they had been erected without official permission. China should immediately revoke all edicts and other legal constraints on the exercise of religious freedom. All restrictions on the licensing of faith communities and the construction of religious buildings should be abolished and not replaced.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/169
12 March 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 12(a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.*200*0**834*

ENG

Violence against Tamil women in Sri Lanka

The Society for Threatened Peoples is concerned with the violations of human rights of Tamil women in Sri Lanka perpetrated by the country's security forces, including its armed militias. While these violations occur in the framework of the ongoing war, they can by no means be justified on that ground, explained away as individual transgressions or as acts that the government is vigorously opposed to and seeks to eradicate with all legal powers at its disposal. On the contrary, they are an expression of the discrimination against a whole people, part of a strategy of war and in its gender based nature part of a systemic structural relationship of domination and subjugation based on racism.

1. In the course of a decades long process of systematically favouring the majority Sinhalese accompanied by violence and bloody pogroms against the Tamil minorities, the latter after having exhausted all parliamentary as well as extraparliamentary, peaceful means to redress their situation of discrimination, have resorted to arms. This war that has been raging the North and East of the country, which for the Sri Lankan Tamils is their traditional homeland, has claimed more than 55 000 dead, over half a million expatriates and over 700 000 internally displaced persons. In the more than 16 years of war, the last five years have been the bloodiest of all, carried on by a government that having come to power with the support of the Tamils, exchanged its promise of peace against a policy of 'war for peace' based on a strategy of terrorization of the civilian population and of the military annihilation of the armed Tamil groups. As everywhere in modern war, it is the weakest section of the population that has suffered the most: 90 % of the war victims are Tamil civilians, in their majority women and children. Moreover, thousands of women have been made widows, most of them in their early twenties who with or without small children are driven into destitution, left to fend for themselves in a countryside that is ruined, under continuous threat of indiscriminate bombings and constant harassment by the armed forces and their militias.

   To blame the organization of the militant Tamils for the fate of their women would not only mean to generally negate the historical causes leading to the radicalization in the demands and means of struggle employed by the Tamils, the responsibility for which must squarely be put on the Sinhalese and their successive governments. More specifically, it would also imply to be misled by the present government's pretense at searching a political solution in form of its much propagated 'devolution package'.

2. In the course of the war, 700.000 people have been displaced. Many have for years now lived in unbearable circumstances in the North of the island, the Vanni, whose population has more that doubled over a few years by the influx of hundreds of thousands of refugees practically without own means of livelihood and, therefore, dependent on government support. It is precisely this need for survival that the government in Colombo exploits by an economic embargo, that includes fertilizer, fuel and agricultural machinery, and by withholding the necessary amount of food, of medicine and of medical supplies and equipment. In the name of 'dual use' materials and of cutting off the enemy's supply lines, the civilian population is held hostage to a government strategy that seeks to force a population made desperate by hunger and sickness into subjugation. The 'war for peace' strategy is being accompanied by an arsenal of non-military, but nontheless deadly, weapons, directed against the civilian population. Both, the means, i.e. food and medicine, as well as the target population, namely women and children, used in this war violate -as Paul Houston has shown- the international conventions on war and humanitarian law to which Sri Lanka officially adheres.

3. Ida Carmelitta, Mrs.Sarathambal, Ms.Pushpamalar, these three women aged between 12 and 29 years have been cited by the UN's Special Rapporteur on Violence against Women already last year as having been killed before –alledgedly- being raped, even gang-raped by members of the Sri Lankan army. According to documentary evidence, during the last five years a Tamil woman was raped on average every two weeks. The real number must still be considerably higher: not so much because the social stigma condemns those women to silence, but more so because a complaint would have to be lodged with the army, i.e. the organisation to which the culprit belongs and which typically protects the perpetrator. In over fifty years of discrimination, sexual harassment, rape and murder committed by Sinhalese soldiers against Tamil woman only a single case, the one of Krishanty Kumaraswamy, has been brought to court, those responsible apprehended and condemned. It by no means signales an end to 'the climate of impunity' other UN rapporteurs have talked about. It can't, because notwithstanding the Geneva Convention of 1949 and Humanitarian Law, in Sri Lanka as elsewhere, rape has been resorted to as a weapon of war.

The Society for Threatened Peoples in accordance with its mandate lends a voice to persecuted suffering peoples, here the Tamils, who are not officially represented here, and can not, therefore, speak for themselves. War has a face, a priviledged target, a principal victim – here the Tamil women. The facts and arguments stated above are not new to this Commission. On the contrary, they have all been taken from the UNCHR's official reports, those of its specially appointed rapporteurs or from documents submitted to it by NGOs. In other words, all has been known for years, the war, the massive human rights violations, the legal framework which allows for their systematic perpetration by the state, and its security forces, i.e. the Emergency Regulations, the Prevention of Terrorism Act, Press Censorship.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/170
12 March 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Written statement*/ submitted by the Society for Threatened Peoples,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 8 4 2 *

ENG

Violations of the rights of children in Indonesia

Tens of thousands of children have been forced to leave their homes in the Moluccas in Indonesia, some of them having to flee with their parents to remote parts of the country, because the Indonesian security forces have been unable to guarantee their safety in their own home area. For months members of Muslim militia have been carrying out raids on Christian villages aimed at driving the Christian population from the region. One example of many concerns a young boy from the village of Waay on the island of Ambon that has been attacked four times in 2000 by Muslim militiamen. At least 55 villagers have been killed in pogroms. Children have been forced to watch as their parents were killed. Schools, all businesses, over 90 per cent of private dwellings and the crops in the fields have all been destroyed. Not once have the Indonesian security forces taken action against the attackers. To date more than 500,000 Moluccans have fled the attacks on their homes. Thousands of Muslim children have also been forced to leave their homes in the face of escalating violence as their villages have suffered retaliatory attacks by Christians.

Countless schools have been destroyed. Those educational establishments that are left have been forced to remain closed for months because of the violence. For the most part there is no adequate educational provision in the refugee camps. The humanitarian situation of the refugee children is disastrous. The Indonesian authorities are ignoring the needs of the refugees and their efforts to secure the prompt return of the Moluccans to their home villages are inadequate.

The Society for Threatened Peoples International is appealing to the UN Commission on Human Rights to condemn the expulsion of tens of thousands of children in the Moluccas. The Indonesian government should also be urged to provide increased humanitarian assistance for the refugees and to secure their prompt return home. If the refugees are unable to return home there will be more ethnic conflict in Indonesia. Already the influx of refugees has led to increased tension between the different population groups in a number of areas.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/171
12 March 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14(b) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

Human rights situation in Chechnya

On 25.4.2000 the United Nations Commission on Human Rights adopted Resolution 2000/58 concerning Chechens. In it Russia is condemned for waging war in the northern Caucasus. The Resolution calls on Moscow to investigate and prosecute the human rights violations committed by Russian soldiers and demands that UN human rights experts be given unhindered access to Chechnya. In addition both parties to the conflict are called upon to bring an immediate end to the fighting and the indiscriminate use of force and to establish a political dialogue and meaningful negotiations. To date the Russian government has failed to implement the Resolution's recommendations. Instead the Russian leadership has been responsible for continued grave human rights violations and war crimes.

The Society for Threatened Peoples is calling on the UN Commission on Human Rights to dispatch an independent delegation to investigate human rights violations committed in Chechnya. At the same time a Commission of Inquiry should be set up to establish the facts of the crimes against humanity and the genocide perpetrated by the Russian Army and the Russian government. It is the opinion of the Society for Threatened Peoples and other international human rights organisations and individuals that during the course of this war Russia has repeatedly violated the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The Russian government has deliberately committed acts with intent to destroy a part of the ethnic group of the Chechens and in the course of so doing it has, according to the wording of Article II(a), killed members of the group. Civilian targets such as residential areas, hospitals, schools, refugee convoys and mosques have been subjected to systematic bombardment. The Russian Army has also been responsible for a number of massacres. Arbitrary executions by shooting of individuals and group killings have taken place. According to the wording of Article II(b) of the Genocide Convention, serious bodily or mental harm has been caused to members of the group and, according to the wording of Article II(c) conditions of life have been inflicted on the Chechen people which are of a kind such as to bring about their physical destruction, in whole or in part. According to the permanent Russian representative for Chechnya, Schamil Beno, since October 1999 more than 75,000 houses and at least 74,000 apartments have been destroyed and reconstruction has still not begun. Furthermore, following bomb attacks on Russian apartment blocks, an unparalleled campaign of vilification has been conducted in the official media against the group of the Chechens. The Chechens are called "bandits", "terrorists", "extremists" and "criminals", and in this way the persecution and repression they are subjected to has extended beyond the boundaries of Chechnya into the territory of the Russian Federation. The Society for Threatened Peoples estimates the number of dead among the civilian population at between 20,000 and 40,000. At the same time it should be emphasised that no form of organised uprising could have taken.

In spite of the fact that Russian military officials and politicians have repeatedly announced the end, or at least the impending end, of the war in Chechnya, the bombardments, killings, arbitrary detentions and fighting continue. A network of Russian "control posts" has been established throughout Chechnya at which the civilian population are subject to routine harrassment. For example vehicles carrying sick people are held up while individuals are forced to pay substantial bribes in order to be allowed to continue their journey. In 200 of the 357 population centres out of a total of over 400 that are still inhabited, the Russians want to establish military security posts. So-called "cleansing actions" are still being carried out in the towns and villages, during the course of which civilians are subjected to arbitrary humiliation, arrested and killed and their homes destroyed or looted.

According to Chechen human rights workers in the autumn of 2000 approximately 8,000 detaineees, mainly young men, were still being held in so-called "filtration camps". They have been systematically humiliated, tortured and often left crippled as a result of their treatment there. People living in Chechnya have no rights at all and are defenceless against the arrogance of the Russian soldiers. Russian war crimes and human rights violations have gone unpunished by the Russian authorities.

Approximately 170,000 Chechens are currently living in the refugee camps in Ingushetia. In addition there are an unknown but large number living in camps for internally displaced persons. The humanitarian situation of the refugees gives cause for extreme concern. They lack accommodation, electricity, food, water and medical care. Outbreaks of influenza, tuberculosis and hepatitis have occurred. Humanitarian relief efforts and independent reporting from Chechnya have been severely hindered or made impossible by the Russian authorities, the secret service and the army.

In view of the widespread destruction that has occurred in Chechnya and the extermination or expulsion of sections of the population by the Russian Army, the UN Commission on Human Rights is calling on Russian President Vladimir Putin urgnetly to withdraw the Russian army from Chechnya and allow international relief and development agencies, human rights organisations and international bodies access to the country. Finally the Society for Threatened Peoples also wishes to emphasise that through their obstruction of effective sanctions and cooperation on military and secret service matters the governments of the West must also bear a share of responsibility for the genocide perpetrated against the Chechens.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/172
12 March 2001

Original: ENGLISH AND
SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 15 of the provisional agenda

INDIGENOUS ISSUES

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and Spanish from the submitting non-governmental organization(s).

GE.*200*0**854*

ENG

Society for Threatened Peoples would like to draw the attention of the honourable United Nations Commission on Human Rights to the land rights of indigenous peoples with particular reference to European policy.

The European Union is actually working on implementing policies related to indigenous peoples. With respect to indigenous land rights, Society for Threatened Peoples would like to express its concerns, that the European Union's working document on Indigenous Peoples of May 1998 and the Resolution of November 1998 do not properly mention indigenous pecples' right to own their land. Although the working document taiks about 'territorial rights', nowhere does it explain what these rights are. Based on many experiences in the past, we are afraid that these 'territorial rights' would be interpreted merely as meaning the right to live in an area and not to own it. Many governments have exploited such vague terms to deny any meaningful land rights at all.

We must draw attention to the reality that throughout the world, indigenous peoples are being killed whenever they have defended their ownership right of the lands and territories they live on and use. The principle of land ownership for indigenous peoples is paramount for their long term survival. The European Union should recognise this by fostering indigenous land titles. These should be in the name of entire communities, not individuals, and must be 'inalienable' so that they cannot be sold. These requirements are vital. United Nations' International Labour Organisation states in its Convention 169 that indigenous (and tribal) peoples' ownership of the lands they occupy must be recognised.

Policies made in Europe are important because they will be used as guidelines for other policies, and, if they are weak, they will be misused by governments and companies to maintain destructive development projects on indigenous and tribal land. Therefore, this critical clarification - that European Union's policies would enshrine tribal and indigenous peoples' communal and inalienable ownership of the lands and territories they occupy and use - is urgently needed and vital. Because of the importance of this issue, we would like to ask the UN Commission on Human Rights to encourage the European Union and its member states as well to recognise indigenous land ownership rights and to accordingly reflect these rights throughout its policies; i.e. to demand indigenous land ownership rights as a precondition to European Union loans on areas where tribal and indigenous peoples live, or as a precondition for debt-cancellation.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/173
12 March 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 17(b) of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS DEFENDERS

Written statement*/ submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. *200'0''866*

ENG

Human Rights Defenders in Indonesia

Working conditions for human rights workers in the province of Aceh in Indonesia have progressively worsened over the last twelve months, in spite of various ceasefire agreements concluded between the Indonesian government and the Free Aceh Movement (GAM). In spite of those agreements more than 900 individuals have been the victims of politically motivated crimes of violence. The Society for Threatened Peoples condemns the human rights violations committed by both parties to the conflict. We are particularly concerned at the increasing number of violent attacks on local and foreign human rights workers and aid agency staff being carried out by members of the security forces and groups closely associated with them. In spite of countless appeals by international human rights and aid organisations the Indonesian authorities has failed to guarantee the safety of human rights workers and aid agency staff. The murder of the human rights lawyer Jafar Siddiq Hamzah, whose mutilated body was found in Medan on 5 September 2000, has provoked international concern. Human rights workers worldwide reacted with horror to the news of the murder of Professor Dr. Safwan Idris, the Principal of the official Ar Raniry Institute for Islamic Studies on 16 September 2000. Professor Idris had been appointed a member of the Independent Commission of Inquiry set up by the President of Indonesia to consider the human rights violations perpetrated by the military in Aceh. Human rights workers have been subjected to arbitrary arrest on numerous occasions and many human rights defenders have complained of threats and intimidation.

The ceasefires were intended to allow hundreds of thousands of refugees to be provided with urgently needed humanitarian relief. In response to the increasing number of attacks on the staff of humanitarian organisations international aid agencies are progressively withdrawing from the crisis zone. In August 2000 three relief workers employed by the British aid agency OXFAM were beaten up by members of the Mobile Police Brigade (Brimob). In December 2000 three relief workers employed by the Danish aid agency RATA were shot dead. The Society for Threatened Peoples appeals to the UN Commission on Human Rights to condemn the attacks on human rights workers and call upon the Indonesian government to guarantee immediately the safety of human rights workers and aid agency staff. An independent inquiry should be held into the recent attacks on human rights activists and aid agency staff and those responsible brought to account.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/174
12 March 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 5 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement*/ submitted by International Alert,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2001]

---

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE.*2001*794*

ENG

1. The mercenary issue: The need for a new approach [1]

Discussions will take place at the 57th session of the UN Commission on Human on the renewal of the mandate of the Special Rapporteur on the use of mercenaries. International Alert believes that the UN's institutional and legal response to the mercenary problem as it manifest today is inadequate and something that urgently needs addressing. There is a growing concern for Private Security Services (PSS) - that supersede traditional mercenary activity - and their impact on human rights. The mercenary mandate is not set up to address PSS which also falls outside existing international legal instruments on mercenaries. **International Alert recommends that the Commission begin to adopt a new approach to the mercenary issue in the context of the forthcoming discussion on the mercenary mandate and seek new measures to address the broader PSS problem**.

2. New manifestations of the mercenary problem - Private security services

In recent years mercenary activity has changed radically to take on new and complex forms. The traditional mercenary, someone who fights for financial gain in armed conflicts alien to his or her own nationality, has been supplemented by the emergence of private security companies such as Executive Outcomes, Sandline International, Military Professional Resources Inc., and Defence Systems Ltd. that have begun to offer security and military services on the international market to governments, multinational corporations and humanitarian agencies. In addition to these companies, there is now a plethora of non-state private security groups which pose a common challenge to the state as the principle provider of security and the protector of human rights. Traditional mercenaries and PSS providers have been active in many armed conflicts including· Afghanistan, Angola, Armenia, Bosnia-Herzegovina, Chechnya, Columbia, Congo-Brazzaville, the Democratic Republic of Congo, Eritrea, Ethiopia, Georgia, Kashmir, Kosovo, Liberia, Papua New Guinea and Sierra Leone.

3. PSS providers and human rights

Since 1968, the UN General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights have repeatedly condemned the use of mercenaries as an internationally unlawful act that serves to undermine the exercise of the right of peoples to self-determination and the enjoyment of human rights. This treatment of the mercenary issue as ostensibly threatening the right of peoples to self-determination has meant that the issue comes under agenda item 5 of the Commission on 'the right of peoples to self-determination and its application to peoples under colonial or alien domination of foreign occupation.' Modern forms of mercenaries and PSS, however, affect human right in a much broader sense. As non-state private entities there is a lack of accountability for PSS providers that commit human rights violations - in contrast to state security that are more adequately covered by international human rights and humanitarian law - and consequently a culture of impunity exists.

There has been a number of documented instances of PSS providers being implicated in human rights violations. These fall into three broad categories: (1) abuses committed as part of commercial security measures; (2) abuses that occur in situations of armed conflict; and (3) abuses involved in the extraction of natural resources. Specific examples include: complicity

---

[1] This submission is based on a recently published paper by International Alert entitled 'The Mercenary Issue at the UN Commission on Human Rights: The Need for a New Approach', prepared by Leonard Gaultier, Garine Hovsepian, Ayesha Ramachandran, Ian Wadley and Badr Zerhdoud of the Graduate Institute of International Studies, Geneva, preface by Andrew Clapham.

with law enforcement forces in arbitrary detentions and enforced detentions; attacks on civilian populations; mass bombings; the use of indiscriminate weaponry; and links to mining companies and the exploitation of natural resources such as oil and precious minerals that can undermine the right to development. **International Alert recommends that the Commission review as a matter of urgency the relationship between PSS and the protection of human rights, and reconsider the agenda item under which the mercenary issue comes.**

4. The legal response

In 1989, the UN General Assembly adopted and opened for signature and ratification the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries*. To enter into force, the Convention must be ratified by 22 States. To date 20 have done so with a further nine having signed, but not yet ratified.[1] In 1985, the OAU Convention for the Elimination of Mercenaries in Africa entered into force. However, both the International and OAU Conventions only deal with mercenaries as a threat to the territorial integrity of states and the right of peoples to self-determination and have been criticised for containing many loopholes and ambiguities. They are furthermore not applicable to most PSS activities. At the national level, some countries have laws in place to control mercenaries; even fewer countries have legislation regulating the activities of modern-day private security companies. **International Alert recommends that the UN Member States ratify the International Convention, but by introducing domestic laws that remedy the noted inadequacies, and once in force seek ways to amend or supplement existing instruments.**

5. The mandate of the Special Rapporteur on mercenaries

In 1987, the Commission appointed a Special Rapporteur on the use of mercenaries to examine the adverse effects of mercenary activity, to solicit reliable information from governments and NGOs, and to encourage the ratification of the International Convention. There is, however, officially no UN mechanism currently examining the human rights impact of new forms of mercenaries and PSS in all its emerging forms. The mandate of the Special Rapporteur remains the principal focus of the UN's response, but is not working effectively because the resolution that supports it neither includes the new manifestations of the problem highlighted here, such as private security companies, nor reflects the specific threat posed by them to the protection of human rights. **International Alert recommends that the Commission widen the remit of the Special Rapporteur on mercenaries to cover new emerging forms of mercenaries in the form of PSS.**

6. The Sixth Committee of the General Assembly

It has been suggested that the mercenary issue be taken up by the Sixth Committee of the General Assembly. Explicitly devoted to the drafting of legal documents, the Sixth Committee would, however, be an inappropriate forum in which to analyse and discuss the consequences of new forms of the problem. Sending the issue to the Sixth Committee would pre-empt a thorough examination of the issue and represent the loss of an mechanism for dialogue on how the international community should address it. It is not a lack of law that is the problem, but rather the lack of any agreed policy response. **International Alert recommends that the Commission does not consider sending the mercenary issue to the Sixth Committee of the General Assembly, but extends the mandate of the Special Rapporteur on mercenaries.**

7. A new mechanism

International Alert believes the existing mercenary mandate should in time be transformed into a new mechanism with a wider remit to address the human rights implications of PSS. This mechanism should fulfil the following functions:

- **Specialised expertise** to study the impact of PSS on human rights, to identify appropriate policy responses, and to provide an advisory role to states experiencing PSS.
- **Further definition of prohibitable mercenary activities** to build upon the expert meetings currently being convened by the Office of the UN High Commissioner for Human Rights on this matter (see below).
- **New frameworks for responsibility** to provide clarity on the legal responsibility of users of PSS and providers themselves to ensure adequate protection of human rights.
- **New frameworks for regulation and monitoring** such as a UN Regulatory Body to register and monitor the activities of accredited private security companies.
- **Seek ratification and enforcement of UN and OAU Conventions** by UN member states and act as a monitoring mechanism for their implementation.
- **Investigate and monitor private security services** and in particular compliance with existing legal instruments to consider how they might be amended and supplemented to address more adequately the human rights problems associated with PSS.
- **Dialogue with users and providers of private security services** to highlight the threat posed by PSS to the protection of human rights and recommend appropriate steps to safeguard against possible violations such as the adoption of national legislation or codes of conduct.
- **Reporting function** to disseminate information and analysis on PSS into the public realm and thus provide publicity sanctions for rogue PSS.
- **Co-ordination among UN bodies and agencies** to provide coherence to the numerous bodies and agencies in the UN dealing with discrete elements of the PSS issue.

8. UN expert meetings

In view of the inadequacies of the international legal framework for mercenaries, and as a result of resolutions in the General Assembly and Commission on Human Rights, the Office of the UN High Commissioner for Human Rights has been tasked with convening expert meetings on 'Traditional and new forms of mercenary activities as a means of violating the exercise of the right of peoples to self-determination.' The first of two meetings was held between January 29th and February 2nd 2001.The organisation of these meetings underlies the changing nature of the mercenary phenomenon and the need to seek new ways to address the issue. A report (E/CN.4/2001/18) from the meeting will be presented the 57th session of the Commission. **International Alert recommends that the Commission take action to implement the recommendations of these expert meetings.**

9. Security and Human Rights Voluntary Principles

There have been a number of instances of the use of private security companies by multinational companies in the oil and mining industries in countries such as Colombia and Nigeria leading to human rights abuses. This has promoted companies, with the encouragement of governments and NGOs, to draw up codes and conduct and guidelines on human rights to safeguard against such occurrences. During 2000, a US/UK Government initiative led to the establishment of a common set of 'Voluntary Principles on Security and Human Rights' that a number of companies in the extractive sector and NGOs have registered

their support for to help guide companies in maintaining the security of their operations whilst ensuring the protection of human rights. The agreed text was launched last December. The section (one of three) related to corporate use of private security companies makes reference to international human rights standards, international humanitarian law, and international law enforcement principles. Voluntary measures are not enforceable. However, the initiative is an important advancement in corporate responsibility for human rights. **International Alert recommends that members of the Commission consider supporting these voluntary principles and facilitating their adoption by corporations in the extractive sector**.

10. Arms trafficking

There is a strong link between PSS providers and arms trafficking. The use of, usually small, arms is integral to their activities and there have been many instances of PSS providers acting as arms brokering agents to transfer weapons into regions of conflict. It is increasingly being recognised that the availability of small arms is associated with grave violations of human rights. Few national or international controls exist to stop arms trafficking. However, the international community efforts to tackle the issue are growing and in July 2001 the UN will organise a Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects. The conference will tackle a wide range of issues associated with illicit arms trafficking and represents an important opportunity to highlight the role played by PSS providers in the arms trade. **International Alert recommends that the UN and its Member States address the link between PSS and arms transfers during the forthcoming UN Conference on Small Arms and investigate the opportunities for integrating such activities into arms export controls.**

---

[1] The following twenty states have ratified the Convention: Azerbaijan, Barbados, Belarus, Cameroon, Croatia, Cyprus, Georgia, Italy, Maldives, Mauritania, Qatar, Saudi Arabia, Senegal, Seychelles, Suriname, Togo, Turkmenistan, Ukraine, Uruguay and Uzbekistan. The following nine states have signed but have yet to ratify the Convention: Angola, Congo, Democratic Republic of the Congo, Germany, Morocco, Nigeria, Poland, Romania, and Yugoslavia.